

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP23-0002

Issued To: Kendra Helene – Lucky Neko Tattoo Garage
Site Address: 104 – 1111 Gordon Drive
Legal Description: Lot 1 Section 30 Township 26 ODYD Plan EPP44783
Zoning Classification: I2 – General Industrial

SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Temporary Use Permit No. TUP23-0002 for a personal service establishment business for Lot 1 Section 30 Township 26 ODYD Plan EPP44783 located at 104 – 1111 Gordon Drive, Kelowna, BC be approved for a three (3) year period subject to the following:

- a) The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A", AND

THAT any application to extend the Permit must be approved by Council prior to this Permit expiring.

This permit will expire on September 12, 2026.

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

This Permit IS NOT a Building Permit.

ATTACHMENT A	
This forms part of application # TUP23-0002	
Planner Initials	TC
City of Kelowna DEVELOPMENT PLANNING	

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Temporary Use Permit, that the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Planning Development.

Should there be any change in ownership or legal description of the property, I undertake to notify the Development Planning Department immediately to avoid any unnecessary delay in processing the application.


5. APPROVALS

Issued and approved by Council on September 12, 2023

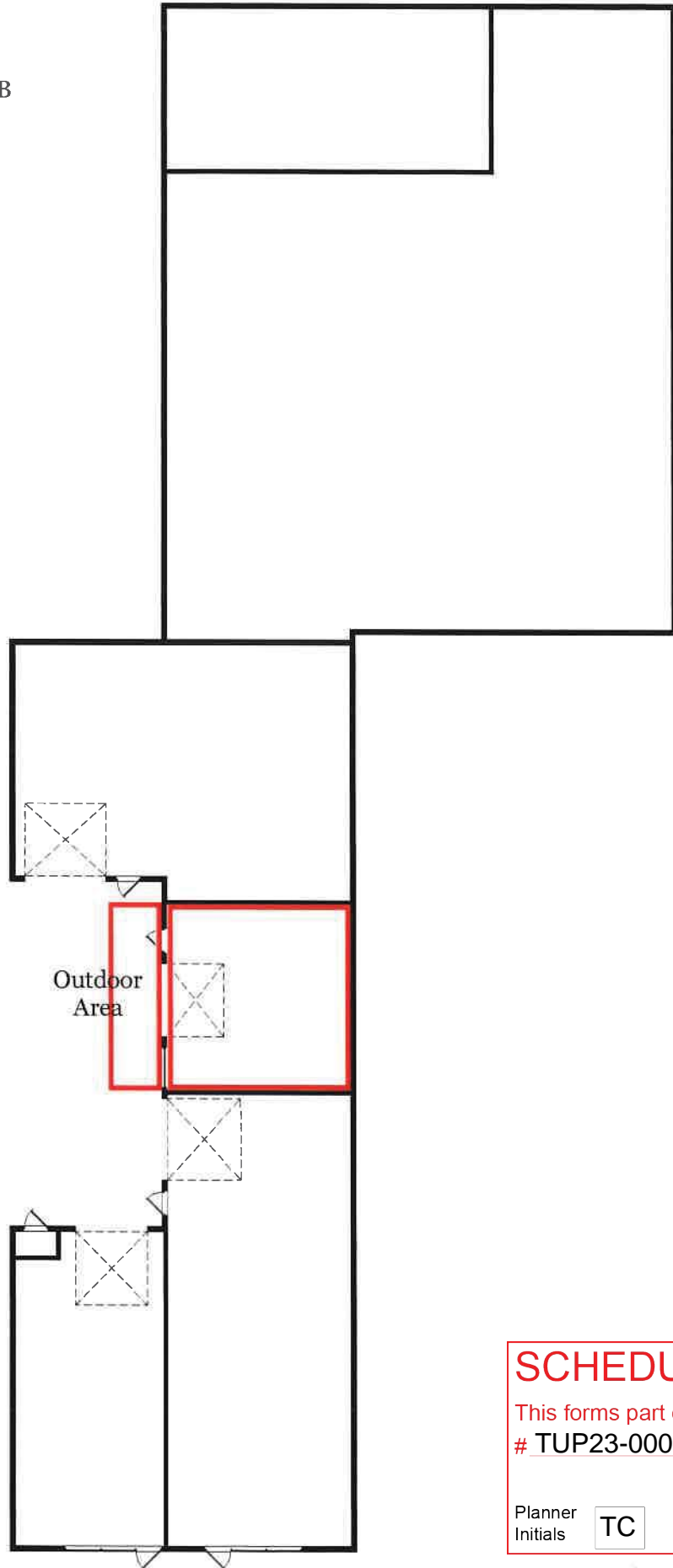
 Jocelyn Black
 Urban Planning Manager
 Development Services & Business Licenses

 Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
 Security shall be returned to the PERMIT HOLDER.**

ATTACHMENT		A
This forms part of application		
# TUP23-0002		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

Addendum A&B



SCHEDULE A

This forms part of application
TUP23-0002

Planner Initials TC


City of Kelowna
DEVELOPMENT PLANNING



350.88 sq ft

230.28 sq ft

24.33 sq ft

31.19 sq ft

SCHEDULE **A**

This forms part of application
TUP23-0002

Planner Initials **TC**



City of Kelowna
DEVELOPMENT PLANNING

Kendra Obi Helene
Owner/Artist
Lucky Neko Tattoo Garage
#104-1111 Gordon Drive
Kelowna, BC V1Y 3E3
Mobile: 236-970-4862
Email: kohtattoos@gmail.com

June 7, 2023
City of Kelowna
1435 Water St
Kelowna, BC V1Y 1J4

Mayor Tom Dyas & City Councillors,

Subject: Application for Temporary Use Permit – Lucky Neko Tattoo Garage - #104-1111 Gordon Drive

I am writing this Letter in support of my application to secure a **Temporary Use Permit** for Lucky Neko Tattoo Garage located at Unit 104, 1111 Gordon Drive, a space of only 640 sf.

In the fall of 2022, I became aware of the quaint space in a refurbished old warehouse with a lot of character located at 1111 Gordon Drive. The other tenants in the building, and the neighbourhood, complemented my business that provides tattooing services to discerning consumers interested in my artistry and the high level of care and hygiene while experiencing my services. The other tenants in the building -- a gem processing and retail shop, a tropical houseplant shop, a brewery pub and auto body shop -- were all a good fit with my business, and the business owners and managers supported the idea of me taking on a leased space in the same building.

In addition, many of the other uses in the area complement my business including a coffee shop and roastery, an auto repair shop, a millwork shop, and many other types of light industrial and service businesses. Together, the businesses and the customers they attract create a vibrancy and unique character in this area that is within 5 minutes of the City's core area. The close proximity of this North End light industrial area to Knox Mountain Park and residential areas on the rises and hills to the east and north draws a good volume of pedestrian foot, bike, and vehicular traffic through the area.

I did sign a long-term lease agreement with the owner of 1111 Gordon Drive without investigating the fit with the existing zoning ordinance. Between November 2022- April 2023, I did proceed to design and make improvements to the space and engaged with Interior Health and Kelowna Fire Department to secure their approval of the improvements for the purpose of providing tattooing services. I proceeded to make the largest business investment of my life into the improvements to the space. I poured my heart and soul into it and was fortunate to have numerous friends and business associates help me.

In early May, I was ready to start operations and went to City Hall to obtain my business license. To my great surprise, I was denied the license because it was not a permitted use under the I2 General Industrial classification. I was very disappointed and discouraged. I sought information from the land use planners. The building owner also obtained information for me. Upon review, applying for a Temporary Use Permit was suggested to allow me three years to operate in the space with the possible extension of another three years. I was told the process could take four to six months but there have been times that

ATTACHMENT **B**

This forms part of application
TUP23-0002

Planner Initials TC

City of Kelowna
DEVELOPMENT PLANNING 


such a permit has been approved within a few months. My objective is to obtain the permit ASAP since my livelihood and my life's savings are now tied up in this business location.

So, here's my application for a Temporary Use Permit in addition to the rationale provided above, the more specific rationale is:

1. As noted above, Lucky Neko tattooing services as a use is **compatible, consistent, and complementary** with the surrounding businesses although it is not a listed use under I2 zoning.
2. **Parking (limited to one or two clients at a time) and clients are scheduled by appointment only** will generate minimal impact to neighbouring businesses.
3. The **owner of 1111 Gordon Drive supports** the application. It is a great addition to the community and neighbouring businesses including:
 - Plant Gather in Unit 101 at 1111 Gordon Drive
 - Kelowna Rocks and Gems in Unit 102 at 1111 Gordon Drive
 - Buffalo Rouge Brewing Co. in Unit 105 at 1111 Gordon Drive
 - White Stag Automotive in Unit 106 at 1111 Gordon Drive
 - OCE/Cement Studio at 1116 Gordon Drive
 - Lakeside Fasteners at 1121 Gordon Drive
 - Wall to Wall Kitchen and Bath - 1087 Gordon Drive - Custom Cabinet Manufacturer
 - Zangbell & Gill – 990 Laurel Ave - Restored/Refurbished Vintage Furniture Store - Retail/Craft
 - Pro-Pak -1115 Gordon Drive - Craft seamstress manufacturer
 - Sheehan & Kriese – 1097 Gordon Drive - European Automotive Specialists
 - Bright Jenny Roasters - 984 Laurel Ave - Craft Coffee Roaster & Coffee Shop
 - Evolution Mechanical Ltd. - 1135 Gordon Drive
 - Brian's Towing at 1120 Brant Avenue
 - Hard Knox Boxing Club\Top Notch Muay Thai & Kickboxing at 1086 Gordon Drive
 - Fools and Sages Art Studio - 1090 Gordon Drive
4. **Business Neighbours Support** my application for a Temporary Use Permit. Please see the petition of support. This petition includes support from nearly all the businesses within a 50 m radius of Lucky Neko's location.
5. I have **invested my life savings** into making the business improvements at this location --- approximately \$100,000. See the before and after pictures of the interior and exterior improvements at #104, 1111 Gordon Drive.
6. There is **Increased pedestrian and bike traffic** along this portion of Gordon Drive connecting neighbourhoods to the south and access from Clement Avenue. 1111 Gordon is **uniquely situated relative to** the rail trail to the South, Bright Jenny Roasters to the West, Knox Mountain Park to the North and a major residential townhomes development to the east. This attracts and supports a greater variety and diversity of use and services than what is more narrowly defined in the City's I2 General Industrial zoning classification.

I respectfully request your support for my application for a Temporary Use Permit.

Sincerely,
Kendra Obi Helene
Owner/Artist
Lucky Neko Tattoo Garage

ATTACHMENT		B
This forms part of application # TUP23-0002		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING